

Message Text

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43

ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03 SS-15

USIA-15 ACDA-19 IO-13 DRC-01 /119 W

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R 180745Z SEP 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 6840

INFO SECDEF WASHDC

INFO CINCPAC HONOLULU HI

COMUSJAPAN FUCHU JA

AMCONSUL FUKUOKA

AMCONSUL OSAKA

AMCONSUL NAHA

AMCONSUL SAPPORO

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CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PINT JA

SUBJECT: PRIME MINISTER TANAKA ASSERTS CONSTITUTIONALITY OF
JSDF

REF: TOKYO 12044

SUMMARY: ON SEPTEMBER 17, PRIME MINISTER TANAKA ANSWERED
HOUSE OF COUNCILLORS CABINET COMMITTEE INTERPELLATION WITH
VIGOROUS REASSERTION OF GOJ POSITION THAT, SAPPORO COURT
DECISION NOTWITHSTANDING, JSDF IS CONSTITUTIONAL.

1. ON SEPTEMBER 17, IN HIS FIRST OFFICIAL STATEMENT ON
NAGANUMA CASE, PRIMIN TANAKA TOLD HOUSE OF COUNCILLORS CABINET
COMMITTEE THAT GOJ HAS NO INTENTION OF COMPLYING WITH COURT
DECISION WHICH FOUND JSDF UNCONSTITUTIONAL. RESPONDING TO
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QUESTIONS BY OPPOSITION COMMITTEE MEMBERS, HE SAID GOVERNMENT

WAS NOT BOUND BY DECISION RENDERED AT DISTRICT COURT LEVEL.

2. TANAKA NOTED THAT STATUS OF SDF HAD BEEN DEBATED FOR 27 YEARS, BUT THAT JAPANESE PEOPLE CONSIDERED SDF CONSTITUTIONAL. HE CITED CONSISTENT POST-WAR ELECTORAL SUPPORT IN NATIONAL AND LOCAL ELECTIONS AS EVIDENCE OF POPULAR SUPPORT FOR GOJ AND LDP POLICIES AND, BY IMPLICATION, FOR SDF. HE ALSO SAID CONSTITUTION DID NOT REQUIRE THAT JAPAN

REMAIN DEFENSELESS IN AN INTERNATIONAL SITUATION WHERE LOCAL CONFLICTS COULD BREAK OUT, NOR DID IT BAN POSSESSION OF MINIMUM ESSENTIAL DEFENSE CAPABILITY.

3. PRIMIN DECLARED THAT GOVERNMENT DID NOT INTEND TO REVISE CONSTITUTION SINCE IT HAD TAKEN STRONG ROOT AMONG PEOPLE. HE ALSO SAID GOJ WOULD NOT WITHDRAW DEFENSE BILLS FROM DIET CONSIDERATION NOR WOULD IT FREEZE DEFENSE-RELATED APPROPRIATIONS IN JFY 1974 BUDGET.

4. COMMENT: AS NOTED IN REFTTEL, RPIMIN'S REMARKS WERE STRONG REAFFIRMATION OF EARLIER STATEMENTS BY GOJ LEADERS WHO HAD PLAYED DOWN SIGNIFICANCE OF SAPPORO COURT DECISION AND CONSISTENTLY ASSERTED SDF CONSTITUTIONALITY. INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 18 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973TOKYO12045
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730926/aaaaasuy.tel
Line Count: 85
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: TOKYO 12044
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags:
Review Date: 05 NOV 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05-Nov-2001 by elbezefj>; APPROVED <14-Nov-2001 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PRIME MINISTER TANAKA ASSERTS CONSTITUTIONALITY OF JSDF
TAGS: PINT, JA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005